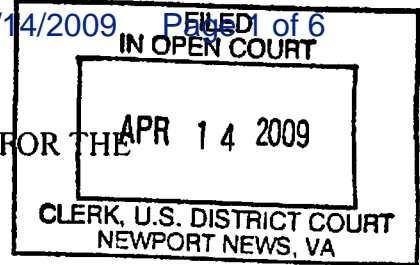


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION



UNITED STATES OF AMERICA

v.

JAMES E. HOOKER

) CRIMINAL NO. 4:09cr 34
)
) 18 U.S.C. § 1951(a)
) Conspiracy to Obstruct,
) Delay and Affect Commerce
) by Robbery
) (Count 1)
)
) 18 U.S.C. §§ 1951(a) and 2
) Obstruct, Delay and Affect
) Commerce by Robbery
) (Count 2)
)
) 18 U.S.C. § 924(c)(1) and 2
) Possess a Firearm in Furtherance
) of a Crime of Violence
) (Count 3)
)

INDICTMENT

APRIL 2009 TERM – at Newport News, Virginia

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times material to this indictment, the Night and Day Supermarket store referenced herein was a business engaged in receiving and selling goods in interstate commerce, in an industry that affects interstate commerce.

2. On or about September 15, 2008, in the Eastern District of Virginia and elsewhere, JAMES E. HOOKER, the defendant herein, and a conspirator, did unlawfully, knowingly and willfully combine, conspire, confederate and agree with each other, to unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, commerce as that term is defined in Title 18, United

States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951(b)(1), in that the defendant and a conspirator did unlawfully agree to take and obtain United States currency from employees of Night and Day Supermarket store in Newport News, Virginia, against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons, and property in their custody and possession, that is, the defendant and a conspirator, aiding and abetting each other, used, carried, displayed, possessed, brandished, and pointed firearms at said employees, and demanded money from the cash register, in violation of Title 18, United States Code, Section 1951:

WAYS, MANNER AND MEANS OF THE CONSPIRACY

It was part of the conspiracy that the defendant and a conspirator would and did:

1. identify a victim store for robbery;
2. enter the victim store while possessing firearms in furtherance of the robbery crime;
3. place the victim store's employees in fear of injury and violence by using and threatening to use the firearms and force to cause injury;
4. steal United States currency in the victim store's possession.

Overt Acts

In furtherance of the conspiracy and in order to effect the objects thereof, the defendant and his co-conspirator committed and caused to be committed the following overt acts, among others, in the Eastern District of Virginia:

1. On or about September 15, 2008, in Newport News, Virginia, JAMES E. HOOKER and a conspirator robbed Night and Day Supermarket store employees of United States currency.
2. On or about September 15, 2008, in Newport News, Virginia, JAMES E. HOOKER and a conspirator fled the Night and Day Supermarket store after the robbery described in Overt Act #1.

(All in violation of Title 18, United States Code, Section 1951(a)).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this indictment, the Night and Day Supermarket store referenced herein was a business engaged in receiving and selling goods in interstate commerce, in an industry that affects interstate commerce.

2. On or about September 15, 2008, at the Night and Day Supermarket store, 2209 Wickham Avenue, Newport News, Virginia, in the Eastern District of Virginia, the defendant, JAMES E. HOOKER, aided and abetted by a conspirator, did knowingly and unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect commerce as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by knowingly and willfully committing robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), in that the defendant did unlawfully take and obtain property consisting of approximately \$600.00 in United States currency from the persons of, and in the presence of, Night and Day Supermarket store employees, against their will by means of actual and threatened force, violence and fear of injury, immediate and future, to their persons, that is, the defendant, aided and abetted by a conspirator, possessed and brandished firearms at and in the presence of said employees of Night and Day Supermarket store, and demanded money from the cash register belonging to the business.

(In violation of Title 18, United States Code, Sections 1951(a) and 2).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 15, 2008, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JAMES E. HOOKER, aided and abetted by a conspirator, did unlawfully and knowingly possess a firearm in furtherance of a crime of violence for which he may be prosecuted in a Court of the United States, that is, Robbery, in violation of Title 18, United States Code, Section 1951(a), as set forth in Count Two of this Indictment.

(In violation of Title 18, United States Code, Section 924(c) (1) and 2).

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

UNITED STATES v. JAMES E. HOOKER

CRIMINAL NO. 4:09CR 34

A TRUE BILL:

REDACTED COPY

~~FOREPERSON~~

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